

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

DEURSLA LASHAY BARRON

PLAINTIFF

v.

3:20-cv-00171-KGB-JJV

ROBERT CRESTMAN
Corporal, CCDC, et al.

DEFENDANTS

ORDER

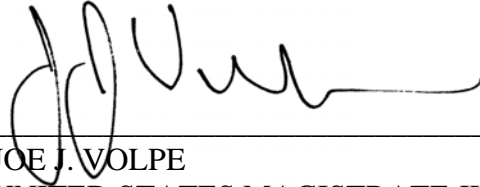
Pending before the Court is Defendant Raymond's Motion to Compel ("Motion") (Doc. No. 31). Pursuant to his Motion, Defendant states that written discovery was propounded to Plaintiff on November 2, 2020. (*Id.*, Ex. 1). Plaintiff failed to fully respond within thirty days, prompting Defendant's counsel to send a letter informing her that additional responses were required. (*Id.*, Ex. 4). As of the date of the Motion's filing, Defendants assert Plaintiff has still not fully responded.

Federal Rule of Civil Procedure 33(b)(3) requires that each interrogatory served "must, to the extent it is not objected to, be answered separately and fully in writing under oath" by the responding party. Fed. R. Civ. P. 33(b)(3). Furthermore, Rule 34(b)(2)(A) directs that "the party to whom [the request for production] is directed must respond in writing within 30 days after being served." Fed. R. Civ. P. 34(b)(2)(A). Rule 34(b)(2)(B) further requires that each item must be responded to by either "stat[ing] that inspection and related activities will be permitted as requested or stat[ing] an objection to the request, including the reasons." Fed. R. Civ. P. 34(b)(2)(B).

In this case, Plaintiff has failed to provide responses to Defendant's discovery requests – including a properly executed Authorization to Disclose Health Information. This medical release is essential because Plaintiff has called her medical condition into question based on the allegations in her Complaint. This Court has the authority under Federal Rule of Civil

Procedure 37 to compel Plaintiff to participate in discovery. Accordingly, Defendant's Motion to Compel is GRANTED. (Doc. No. 31.) Plaintiff is directed to respond to Defendant's discovery requests within twenty-one (21) days of the entry of this Order. If Plaintiff fails to fully comply with this Order, the Court will entertain a motion to dismiss.¹

DATED this 26th day of February 2021.

A handwritten signature in black ink, appearing to read 'Joe J. Volpe', is written over a horizontal line.

JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE

¹Local Rule 5.5(c)(2) requires any party not represented by counsel to be familiar with and follow the Federal Rules of Civil Procedure. Failure to comply with the local rules and the Federal Rules of Civil Procedure routinely results in dismissal.